

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Michael A. Lunsford, #1460931,)	CIVIL ACTION NO. 9:15-0106-DCN-BM
)	
Plaintiff,)	
)	
v.)	
)	REPORT AND RECOMMENDATION
Dr. Theodolph Jacobs, Dr. Barry)	
Weissglass, Major T. Smith, Paul Graft,)	
Chief Administrator Beatty, and)	
Sheriff Al Cannon,)	
)	
Defendants.)	
)	

This action has been filed by the Plaintiff, pro se, pursuant to 42 U.S.C. § 1983. Plaintiff, an inmate at the Charleston County Detention Center, alleges violations of his constitutional rights by the named Defendants.

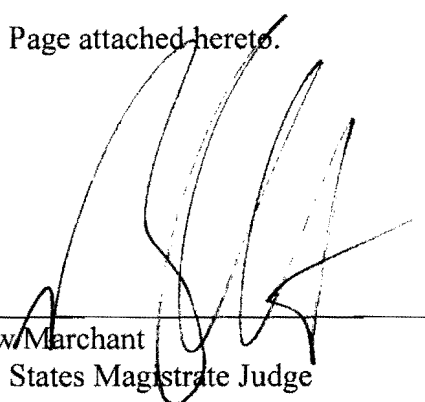
The Defendants Jacobs and Weissglass, both medical doctors, have filed a motion to dismiss pursuant to Rule 12(b)(5) and Rule 4(e)(2), Fed.R.Civ.P., on the grounds of insufficiency of service of process, asserting therein that they have never been served with the Summons and Complaint in this matter. However, by Order filed January 21, 2015, Plaintiff was granted IFP status and the United States Marshal was authorized to effect service of process in this case. Therefore, in light of Plaintiff's pro se and IFP status, these Defendants' motion to dismiss on the grounds of insufficiency of service of process should be **denied**.

Counsel for these two Defendants should notify the Court, in writing within ten (10)

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days of any order adopting this Recommendation, as to whether they are authorized to accept service of the Summons and Complaint on behalf of their clients. If so authorized, they should proceed with the filing of a responsive pleading. If, however, counsel notifies the Court that they are not authorized to accept service of the Summons and Complaint on behalf of their clients, then the undersigned will authorize personal service on these two Defendants by the United States Marshal upon receipt of completed forms USM-285 from the Plaintiff.

The parties are referred to the Notice Page attached hereto.



Bristow Marchant
United States Magistrate Judge

March 19, 2015
Charleston, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
Post Office Box 835
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).